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CIA Lawyer Said Agency Link to Ex-Green

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FORT COLLINS, Colo., Nov. 30—A CIA lawyer told a police detective last July that the agency would deny knowledge of or involvement with Eugene A. Tafoya, a former Green Beret accused of attempting to murder a Libyan dissident, even if Tafoya was on a CIA mission when he shot the Libyan.

According to a report filed by Fort Collins Det. Ray Martinez, Jerry Johnson, a lawyer in the CIA's Office of the General Counsel, was contacted on July 16, 1981, and asked what association, if any, the CIA had with Tafoya.

"I discussed with Jerry Johnson the possibility that if the CIA did hire Tafoya, what would their position be in court," Martinez said. "Jerry Johnson stated: 'We would have to deny any involvement.'"

Martinez' report came to light after George Marling, records custodian of the CIA's operations group, testified as a prosecution rebuttal witness today that the agency had

no record that Tafoya had ever worked for the CIA.

Asked by Deputy District Attorney Larry Abrahamson if Tafoya was working for the CIA when he went to the apartment of Libyan dissident Faisal Zagallai on Oct. 14, 1980—to deliver a CIA warning to Zagallai to stop his political activities, Tafoya claims—Marling replied:

"There is no record of any use or employment of Mr. Tafoya in this or any other activity."

Under persistent cross-examination, Marling admitted that absence of records did not necessarily mean Tafoya could not have worked for the CIA at some time.

"Does the CIA have a policy of denial of involvement with operations or employees who get caught in embarrassing or classified situations?" defense attorney Scott Robinson asked. After repeated objections by prosecutors, Marling was permitted to answer.

"Yes," he said, "there is such a policy with regard to classified material."

Pressed, Marling said he was au-

thorized to report on the records search because it showed no indication that the CIA had employed Tafoya. Asked if the policy of denying knowledge of sensitive matters applied to statements under oath in court, Marling said, "Classified information is not to be divulged in a public setting, that's correct."

Marling also said the CIA "had no record of any association" since September, 1976, with Edwin P. Wilson, a former CIA agent identified by prosecutors as being suspected of hiring Tafoya in an alleged plot to assassinate political opponents of the Libyan government.

In September, 1976, Wilson ostensibly resigned from the CIA and began working under contract to Libya. Asked if Wilson is still operating under "deep cover" as a CIA agent, Marling said he is "not qualified to discuss specific operations."

After Marling testified, defense attorneys cited the report of the call to Johnson and asked that he be ordered to testify. Johnson, who accompanied Marling to the courthouse, agreed to testify Tuesday.